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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,453	12/20/2001	Brad Allen Medford	8285/487	4820
7590	10/21/2004		EXAMINER	
JOSEPH F. HETZ BRINKS HOFER GILSON & LIONE SUITE 3600 455 N. CITYFRONT PLAZA DR. CHICAGO, IL 60611			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/037,453	MEDFORD ET AL. <i>[Signature]</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Erick Rekstad	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,778,607 to Zaccarin et al.

[claims 1 and 3]

As shown in Figures 3 and 4, Zaccarin teaches providing a plurality of encoded video streams. Zaccarin further teaches the use of the plurality of encoded video streams in order to provide different bit-rates for optimal quality for different bandwidths (Col 5 Lines 9-26). Zaccarin further teaches the bit rates are different (Col 5 Lines 45-47). As shown in figures 5 and 6, Zaccarin further teaches the method of encoding the DCT coefficients in order to produce the different streams (Col 5 Line 56-Col 6 Line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention that the coefficient bits for one stream is greater than the coefficient bits of another stream as required by Zaccarin in order to provide different bit-rates.

[claims 4-5]

As shown above both DCT-encoded signals have different bandwidths and bit-rates (Col 5 Lines 9-18 and 45-47).

[claim 6]

Zaccarin further teaches the signals are substantially synchronized (Col 5 Lines 32-44, Fig. 4).

[claim 8-13]

As shown above for claims 1-6, Zaccarin teaches the method of providing multiple encoded signals. Zaccarin further teaches the method stored in a computer readable medium for use by a general purpose computer (Col 2 Lines 40-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to store the method of Zaccarin on computer readable medium in order to use a general purpose computer to perform the method.

[Claims 15-20]

As shown in figures 2, 3, 5 and 6, Zaccarin teaches the system to perform the method of claims 1-6.

Claims 2, 7, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaccarin as applied to claims 1, 8, and 15 above, and further in view of US Patent 5,604,494 to Murakami et al.

[claims 7, 14, and 21]

Zaccarin teaches the method and system for producing multiple encoded streams. Zaccarin does not specifically teach the number of bits for each stream. Murakami teaches the use of 12, 13 or 14 bits as a common bit number to produce a compression rate of  $\frac{1}{2}$  (Col 18 Lines 28-37). It would have been obvious one of ordinary skill in the art at the time of the invention to use 12, 13 or 14 bits for the bit number of a stream in the system of Zaccarin in order to produce a compression rate of

$\frac{1}{2}$  as taught by Murakami. It would have been obvious to one of ordinary skill in the art at the time of the invention to use whole bit increments as shown by Murakami.

[claims 2 and 22]

As shown in Figures 3 and 4, Zaccarin teaches a third DCT-encoded signal. Zaccarin does not specifically teach the number of bits for each stream. Murakami teaches the use of 12, 13 or 14 bits as a common bit number to produce a compression rate of  $\frac{1}{2}$  (Col 18 Lines 28-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 14, 13 and 12 as bit numbers for different streams to produce near  $\frac{1}{2}$  compression rate as taught by Murakami. It would have been obvious that the decrement is in whole bits, as required by claim 22, and that 12 is two lesser significant bits than 14, as required by claim 2.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,501,798 to Sivan.

US Patent 6,181,711 to Zhang et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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